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| APPLICATION NO.                    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|------------------------------------|-------------|----------------------|-------------------------|------------------|
| 09/393,718                         | 09/10/1999  | FARZAD NAZEM         | 17887-3-1US             | 3195             |
| 7590                               | 11/20/2003  |                      | EXAMINER                |                  |
| PHILIP H ALBERT                    |             |                      | NGUYEN, CINDY           |                  |
| TOWNSEND AND TOWNSEND AND CREW LLP |             |                      | ART UNIT                | PAPER NUMBER     |
| TWO EMBARCADERO CENTER             |             |                      | 2171                    |                  |
| 8TH FLOOR                          |             |                      | DATE MAILED: 11/20/2003 |                  |
| SAN FRANCISCO, CA 941113834        |             |                      | D9                      |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                 |                         |
|------------------------------|---------------------------------|-------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>          | <b>Applicant(s)</b>     |
|                              | 09/393,718                      | NAZEM ET AL.            |
|                              | <b>Examiner</b><br>Cindy Nguyen | <b>Art Unit</b><br>2171 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 September 2003.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 10--28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 10-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 September 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7</u> . | 6) <input type="checkbox"/> Other:  |

## DETAILED ACTION

This is in response to amendment filed 09/29/03.

### 1. *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### 2. **Claims 10-14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butman et al. (U.S 5867665) (Butman) in view of DuFresne (U.S 5835712).**

In consideration of claim 10, Butman discloses: "In the page server coupled to a network, a method of providing a customized page to a user, wherein the customized page is customized according to the user's preferences,"(see Fig. 3A, Butmanet al.), " the method comprising the steps of:

obtaining real-time information from information sources (see 68, fig. 6a , and corresponding text, Butman);

storing the real-time information in a storage device (40, fig. 5 , and corresponding text, Butman);

storing a user specific template program for the user in a data structure indexed by a user identifier unique to the user (col. 27, lines 40-62, Butman);

receiving, from the user and at the page server (see col. 9, lines 14-23, Butman) a user request for a customized page (see col. 29, 10-40, Butman), and

determining a user identifier associated with the request (col. 29, lines 30-39, Butman);

retrieving a stored template program specific to the user in the data structure using the determined user identifier associated with the request (col. 30, lines 24-36, Butman);

providing the user with the customized page includes at least one item of real time information selected from the storage device (see col. 30, lines 65 to col. 31, lines 10, Butman).

However, Butman didn't disclose: executing the template program specific to the user using the real-time information stored in the storage device as input to the template program to generate the customized page, wherein the template program indicates items of interest to the user. On the other hand, Dufresne discloses: executing the template program specific to the user using the real-time information stored in the storage device as input to the template program to generate the customized page, wherein the template program indicates items of interest to the user (see col. 10, lines 7-32, Dufresne). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps for input data in real time to the template to generate the customized page as claimed in the system of Butman as taught by

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Dufresne. The motivation being enable to input interesting data in which authorized user can insert HTML source and codes then store the information on template to a database so that the authorized clients and server can access to the template (col. 10, lines 18-41, Dufresne).

As per claim 11, the limitations of this claim have been noted in the rejection of claim 10. Applicant's attention is directed to the rejection of claim 10 above. In addition, Butman/Dufresne disclose further including prior to the step of receiving the user request the steps of caching the template program in a storage location local to the page server (see col. 31, lines 35-41, Butman).

Regarding claim 12, the limitations of this claim have been noted in the rejection of claim 10. Applicant's attention is directed to the rejection of claim 10 above. In addition, Butman/Dufresne disclose: further comprising the step of receiving user preferences for the user wherein the user preferences indicate the items of interest to the user and combining the user preferences with a generic template to form the template program specific to the user (see col. 26, lines 49 to col. 27, lines 12, Butman).

Regarding claim 13, the limitations of this claim have been noted in the rejection of claim 12. Applicant's attention is directed to the rejection of claim 12 above. In addition, Butman/Dufresne disclose: further including the step of providing the template program specific to the user to the page server (see col. 23, lines 3-40, Butman).

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Regarding claim 14, the limitations of this claim have been noted in the rejection of claim 12. Applicant's attention is directed to the rejection of claim 12 above. In addition, Butman/Dufresne disclose: wherein the page server performs the step of combining the user preferences with the generic template (see col. 33, lines 4-21, Butman).

Regarding claim 19, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Butman/Dufresne disclose: obtaining user preferences for the plurality of users, wherein a user's user preferences indicate items of interest to that user (see col. 23, lines 23-67, Butman); each of the plurality of users, combining the user preferences for a specific user and a template to form a template program specific to the user at the page server (col. 10, lines 18-32, DuFresne). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include more than one templates program specific to the user in the system of Butman as taught by Dufresne. The motivation being to enable the user to create a specific template for the user and protects access control lists so only authorized user can access to the specific template.

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Butman/Dufresne discloses: a second template program specific to the second user (col. 9, lines 50-59, Dufresne) using the real time information stored in the storage device as input to the second template program to generate a second customized page for a second user (col. 10, lines 7-32, Dufresne). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include more than one templates

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program specific to the user in the system of Butman as taught by Dufresne. The motivation being to enable the user protects access control lists so only authorized user can access to the specific templates.

**3. Claims 15-18 and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butman et al. (U.S 5867665) (Butman) in view of DuFresne (U.S 5835712) and further in view of Gerace (U.S. 5848396).**

Regarding claims 15 and 25, Butman/Dufresne disclose all the limitations of these claims have been noted in the rejection of claims 10 and 20 above, respectively. However, Butman/Dufresne did not specifically disclose the limitations of claims 15 and 25. On the other hand, Gerace discloses: "wherein the real-time information comprises stock quotes, sports scores and news headlines" (see col. 6, lines 22-40, Gerace). Thus, it would have been prima facie obvious to a person of ordinary skill in the art to include the information includes stock information, advertisements, sports statistics, weather reports and the like in combination system of Butman/Dufresne as taught by Gerace. The motivation being to have a dynamic page generator, in communication with the order processing module, to compose a page for display by processing a template having all difference kinds of information as stock information, advertisements, sports statistics, weather reports in the system.

Regarding claims 16 and 26, all the limitations of these claims have been noted in the rejection of claims 10 and 20 above, respectively, In addition, Butman/Dufresne /Gerace disclose further comprising a step of generating a default user configuration for the user based on demographic information of the user (see col. 6, lines 5-7, Gerace).

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Regarding claims 17 and 27, all the limitations of these claims have been noted in the rejection of claims 16 and 26 above, respectively, In addition, Butman/Dufresne /Gerace discloses: wherein the step of generating a default user configuration comprises the steps of: determining a default list of cities for a weather report based on user demographic information (see col. 8, lines 52-57, Gerace); and determining one or more sports teams for sports reporting based on user demographic information (see col. 8, lines 15-25, Gerace).

Regarding claims 18 and 28, all the limitations of these claims have been noted in the rejection of claims 16 and 26 above, respectively, In addition, Butman/Dufresne /Gerace discloses: wherein the steps of determining comprise the steps of: obtaining user postal code information (see col. 21, lines 41-43, Gerace); translating the postal code information to user geographic position (see col. 21, lines 41-49, Gerace); comparing the user geographic position to geographic positions assigned to each city (see col. 22, lines 10-12, Gerace); and sports team (see col. 21, lines 65 to col. 22, lines 5, Gerace); and determining a threshold distance from the user geographic position which is greater than or equal to a distance to a predetermined nonzero number of cities and a predetermined nonzero number of sports team geographic positions "(see col. 31, lines 2-7, Gerace).

Regarding claims 21-24, most the limitations of these claims have been noted in the rejection of claims 2, 13-18, and 20 above respectively. It is therefore rejected as set forth above.

**4. Response to Arguments(09/29/03)**

Applicant's arguments have been considered, but are moot in view of the new ground(s) of rejection.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**5. Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CN

Cindy Nguyen

November 16, 2003

*wayne* ✓

WAYNE AMSBURY  
PRIMARY PATENT EXAMINER